

**E-FILED**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE TORRES-CALDERON,

Defendant.

No. CR 07-00745 JF

STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME FROM  
APRIL 7, 2008 TO APRIL 16, 2008 FROM  
THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §  
3161(h)(8)(A))

The parties stipulate that the time between April 7, 2008 and April 16, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

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1 18 U.S.C. §3161(h)(8)(A).

2  
3 DATED: April 7, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

4  
5 /s/  
6 BENJAMIN T. KENNEDY  
Assistant United States Attorney

7  
8 /s/  
9 ALFREDO MORALES  
Attorney for Defendant

**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between April 7, 2008 and April 16, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: 4/11/08

  
PATRICIA V. TRUMBULL  
UNITED STATES MAGISTRATE JUDGE